

**State & Federal Agencies/Utah:**

**D. W. Hedberg, DOGM**

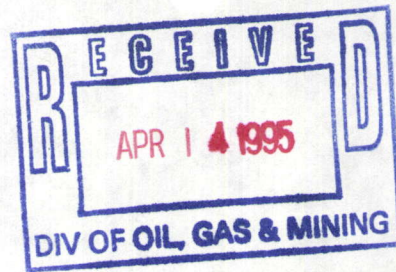
**Mark Novak, DEQ**

**Roger Foisey, DEQ, Central District**

**Jason Knowlton, DERR**

**Doug Taylor, DS&HW**

**Jerry Regan, Millard County Planning and Zoning**



# **JUMBO MINING COMPANY**

**6305 Fern Spring Cove  
Austin, Texas 78730  
512-346-4537 (Ph.)  
512-346-3188 (Fax)**

**April 10, 1995  
File: BLMU4115**

**Mr. Rex Rowley  
Area Manager  
Bureau of Land Management  
House Range Resource Area  
35 East 500 North  
P.O. Box 778  
Fillmore, Utah 84631**

## **REGISTERED MAIL & FAX**

**Dear Mr. Rowley:**

**We have the following in response to your letter dated April 3, 1995 in which you demand that corrective action begin on Items 1 and 3 of your March 10, 1995 letter, within 5 days of receipt of your letter (e.g., by Sunday April 9th).**

**Corrective action on both of these items was initiated immediately after the visit to the site by Ed Bush, Bill Wagner, and Kimmel King on February 23, 1995, prior to receiving your letter dated March 10, 1995. These corrective action steps included segregation, marking and inventorying various empty drums (Item 1), as well as inspection and identification of the various soil stains which are referenced in Item 3. In addition several other items listed in your March 10th letter were addressed, and these are covered in my letter to you dated March 17, 1995.**

**Further, a remediation plan for the 157 empty drums was prepared, and this, together with the detailed inventory of the drums was presented to the inspection team which visited the property on March 20, 1995. Both of these are attached for your ready reference.**

Together with the further actions which are described below, and the various action items which you have dropped from your March 10th letter, I believe that all items are being addressed, and that compliance with all of your demands and deadlines has been achieved. Please let me know if you feel otherwise. In any event, I understand from your April 3, 1995, page 4, that we are currently in compliance with all of your requests, and thus there is no need for a formal appeal to the March 10, 1995 Notice of Non-Compliance, which otherwise would be due within 30 days of receipt of that Notice. Please notify me immediately if this understanding is not correct.

Finally, we want to formally request that Kimmel King and his employer, Rinchem, be barred from any further participation on this matter. As a part of the inspection team, it has been reported to me that this individual has obviously been overly eager in seeking to find business for his company to clean up, at great expense to our company. Within hours of receipt of the BLM Notice of Noncompliance, on March 13th, Mr. Kimmel King faxed to us a quotation for approximately \$30,000 and a request for a purchase order for clean up of the environmental emergencies which he apparently sought to create during his inspection at the Drum Mine. Accompanying this request for a \$30,000 purchase order was this statement:

" Rinchem Company, Inc. is the sole-source contractor for environmental emergency response and remediation projects on the 21 million acres of public lands that are administered by the Bureau of Land Management in the State of Utah.",

Again on April 7th, a few hours after receipt of the BLM's letter dated April 3rd, we received another letter with the same statement quoted above, and a revised quotation for "Immediate Clean up Tasks...".

We contend that this is a blatant conflict of interest, whereby his inspection duties, and whatever else he might have had to do with the preparation of the Noncompliance letters written to us on this subject, are clearly aimed at forcing us to buy services from his company, which otherwise would not reasonably be required. Let me express my surprise and amazement that the management of the BLM in Utah has allowed this situation to come about, much less allow it to continue after they were fully aware of the implications of the sentence quoted above, as a result of my telephone conversation about it to Rody Cox after I received the first fax from Rinchem.

**Addressing the numbered Items in your April 3rd letter, we have the following:**

**ITEM 1. The marking, identification and inventory of the various drums was largely completed before we received your March 10th letter. Even if this were not the case, all of these steps were handled by personnel trained in handling any hazardous materials which might have been involved. David Hartshorn, the site manager, is a degreed engineer, has completed courses in chemistry, and has been trained in the handling of cyanide and other hazardous materials, and has had more than 15 years of experience in doing so on a day to day basis. He is also trained to handle explosives, and has had years of experience in this field also. No materials were moved from the site, and/or disposed of. Other than to deprive the BLM's "sole source" contractors of wasteful, if lucrative, employment, we do not understand how the BLM can complain about our prompt, safe, and efficient response to their initial inspection of the site. And I would certainly like to learn if there is an objective basis for the statement that our actions have "aggravated the situation".**

**We contend, to the contrary, that our actions have quantified the elements of the situation, and have lead to the proposal of a reasonable solution in the quickest possible time. We await only your approval (supervision??) before we proceed to dispose of the 157 drums in the manner described in the BARREL REMEDIATION plan submitted to the inspection team on March 20th. This Plan is repeated herewith for your ready reference.**

**a) 53 Plastic deposit drums.....we propose to return these to the suppliers and collect our deposits on them. The suppliers certainly are legal and appropriate receivers and recyclers of these drums, and as the drums have not been used for anything other than the marked products, there should be no need for expensive chemical sampling and analyses on these drums.**

**b) 18 barrels containing cement....this cement is being used from time to time to plug exploration drill holes, and need no further identification nor disposal.**

**c) 7 returnable Chevron oil drums....these are to be returned to the supplier, Sperry Oil in Delta.**

**No chemical identification is warranted as the history and contents are known.**

**d) 42 other empty oil and antifreeze drums....these are to be returned to the nearest drum recycling center. No chemical identification is warranted for the above stated reasons.**

**e) 37 barrels partially filled with lubricants.....these are to be hauled to the Ag Center in Delta for approved disposal. Again, no chemical identification is warranted for the above reasons.**

**f) There are five other trash barrels on the site which are used for burning domestic trash. These are to be left as is.**

**g) In addition, there are empty cyanide drums which have been rinsed clean and placed in the waste disposal trench for crushing and burial, according to the standard operating practice for the mine during the last ten years. We believe that this is the best available disposal for these drums, particularly when consideration is given to the remoteness of the location, the fenced compound, the 24 hour watchman on the property, and the complete lack of identified ground water in the area (e.g. dry exploration holes over 1,000 deep in the vicinity). Even if a trace of cyanide were to be left in the drums, no harm could come from these minute quantities of this bio-degradable "fixed nitrogen fertilizer" under these environmental circumstances. And even better, we have ten years of experience, during which no problem has even been suggested as a result of this practice.**

**However, if it is deemed necessary by the BLM to dig up and sample the camp garbage dump, we offer to provide our backhoe and operator, provided that we are given a few days' advance notice. However, we suggest that there ought to be other garbage dumps on BLM land that might have a vastly greater impact on the environment than this one! (Where has common sense gone, or is this a product of the conflict of interest discussed above?)**

**We further offer to procure all necessary sample bags, and a man trained in handling any hazardous material that might be encountered to assist the BLM in taking samples from this garbage dump. We propose that any samples taken will be sealed in the presence of the BLM representative, and sent to American West Analytical Laboratories in Salt Lake City (or any**



other approved laboratory) for chemical analyses, with copies of the results sent directly to BLM.

#### **STORAGE OF DRUMS CONTAINING CYANIDE:**

We believe that the existing storage meets all of the listed criteria. However, although no roof or cover is required by this criteria, we propose that these 18 new drums of cyanide be moved from their existing location to the inside of the process building nearby. Unless we hear otherwise from you within the next ten days, we will assume that you have no objection, and will proceed with this action.

**ITEM 2.** We will promptly proceed with the disposal of the old batteries as indicated, and the old tires will be addressed in the final reclamation plan for the property. A revision of the reclamation plan is under discussion with UDOGM at this time.

**ITEM 3.** Soil stains and oil spills.....Since a BLM representative must supervise the sampling of any soil stains, etc., we propose that this be handled by Company personnel under BLM supervision, and the samples sent directly to a laboratory approved by BLM as outline above. We see absolutely no basis for the BLM forcing us to spend money on an outside contractor when suitably trained Company personnel are readily available on the site, and the BLM will be on site also. It is bad enough that we are forced to spend money on to identify oil and chemicals that are already known to us as a result of on going operations. For instance if we have seen diesel oil or grease spilled on the ground, we don't need an expensive chemical analysis to tell us what the spill is!

We are in the process of consulting with the various authorities to formulate a plan in case it is deemed advisable to clean up any of Western's old oil spills. As of this moment, it is our impression that no further action may be required, when the biodegradability of these lubricants is considered, within the context of the remote location and lack of ground water. See also ITEM 6. below.

**ITEM 4.** Thank you for recognizing that the material in the sample bags is not potentially hazardous, and for giving us permission to bury it and the sample bags in the garbage dump when these are no longer useful for reference.

**ITEM 5. Thank you for recognizing that the transformers are the dry type and do not contain PCB's.**

**ITEM 6. Miscellaneous Petroleum spills.....we are attempting to contact the referenced authorities.**


**ITEM 7. The perched water table has been under discussion with the Utah DEQ for several years, and a possible remediation plan proposed. However the legal responsibility for this remediation has not been established, nor is it believed that any urgency exists to conduct the remediation, considering the remote location, lack of ground water, and low levels of contaminants.**

**ITEM 8. Assay lab....Our position is that the lab has in the past and will in the future be kept in good order for the type of work for which it is intended and currently being used, and that at no time has it represented a hazard to employees or public.**

**ITEM 9. Thank you for approving our inventory and storage of explosives.**

**Please let us hear from you promptly on the matters pending as outlined above.**

**Sincerely,**

  
**E. B. King**

cc: DH

cc: Other State & Federal Agencies, per list

March 17, 1995

DRUM MINE WASTE DUMP BARREL INVENTORY

1. RETURNABLE PLASTIC BARRELS--53 TOTAL

2 Muriatic acid  
37 black caustic  
4 blue caustic  
10 Millsperse

2. BARRELS CONTAINING CEMENT--18 TOTAL

3. RETURNABLE EMPTY CHEVRON OIL BARRELS--7 TOTAL

4. EMPTY OIL AND ANTIFREEZE BARRELS--42 TOTAL

5. BARRELS WITH PARTIAL PETROLEUM PRODUCT CONTENT--37 TOTAL

SUBTOTAL OF BARRELS ON WASTE DUMP = 157

OTHER BARRELS

5 TRASH/BURN BARRELS

NUMEROUS RINSED CYANIDE BARRELS IN WASTE DISPOSAL TRENCH



**BARREL REMEDIATION FOR THE 157 BARRELS ON WASTE DUMP**

**PLASTIC BARRELS--return to supplier**

**CEMENT BARRELS---use cement for reclamation (drill hole  
plugging, etc.) and dispose of barrels in  
permitted disposal trench**

**CHEVRON BARRELS--return to Sperry Oil in Delta**

**EMPTY OIL/ANTIFREEZE BARRELS--steamclean and dispose on  
site or haul to recycling center**

**PARTIALLY FILLED OIL BARRELS--haul to Ag Center in Delta for  
disposal**

March 17, 1995

### POWDER MAGAZINE INVENTORY

205 bags ANFO (ammonium nitrate)

1 box safety fuse

8 boxes (2000' ea) K-cord

8 boxes (2000' ea) D-cord

5 boxes 1/2 & 1 pound boosters

1/2 box fuse lighters

#### NOTES:

1. All material have indefinite shelf life if kept dry (verification can be obtained from Burt Explosives)
2. All powder (1x8 dynagel sticks) have been destroyed

### CAP MAGAZINE INVENTORY

3 boxes 25MS delays

1 1/2 boxes #6 caps